

Notice of Allowability

Application No.

10/619,643

Examiner

Vickey Ronesi

Applicant(s)

SCHOTTLAND ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed 10/4/2006.
2. ☒ The allowed claim(s) is/are 1-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached.
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 12/24/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 12/4/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Roberta L. Pelletier on 12/4/2006.

IN THE SPECIFICATION

3. Replace the title with the following: "COLORED POLYMERIC RESIN COMPOSITION WITH 1,8-DIAMINOANTHRAQUINONE DERIVATIVE, ARTICLE MADE THEREFROM, AND METHOD FOR MAKING THE SAME"

IN THE CLAIMS:

4. The application has been amended as follows:
 - In claim 6, line 1, replace "Claim 1" with --Claim 5--.
 - In claim 16, line 1, insert the word --the-- after the word "wherein".
 - In claim 21, line 3, replace "(when" with --when--.
 - In claim 21, line 3, replace "3.2 mm)" with --3.2 mm--.
 - In claim 24, line 9, insert the phrase --having a purity of greater than or equal to about 90 wt % and—after the term "1,8-diaminoanthraquinone derivative".
 - In claim 24, line 21, replace "(when" with --when--.

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In claim 24, line 22, replace "3.2 mm)" with --3.2 mm--.

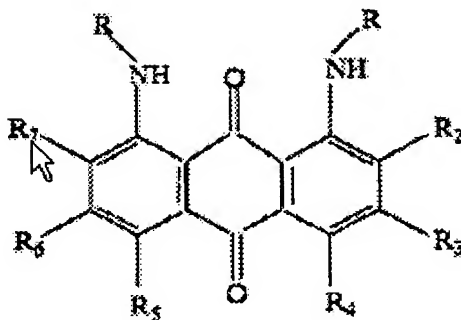
In claim 32, line 24, replace "(when" with --when--.

In claim 32, line 24, replace "3.2 mm)" with --3.2 mm--.

Statement of Reasons for Allowance

5. The present claims are allowable over the closest prior art Hunter (US 3,853,807), Smith et al (US 5,882,358), and Genta (US 3,923,454) for the following reasons:

The present claims are drawn to a colored polymeric resin composition, an article thereof, and a method of making said article, wherein the composition comprises a polymeric resin and a 1,8-diaminoanthraquinone derivative having a purity of greater than or equal to about 90 wt % having the formula



wherein R is selected from the group consisting of cyclohexyl, isopropyl, 3-N,N-dimethylaminopropyl, N,N-diethylaminoethyl, an allyl group containing 3 to 20 carbon atoms, a hydroxyl group, a 5-membered heterocyclic ring, and a 6-membered heterocyclic ring.

Hunter discloses 1,8-bis(cyclohexylamino)anthraquinone in a polyester resin, however, it teaches away from using this anthraquinone by stating that the anthraquinone tends to degrade at the high processing temperatures required by the polyester. Furthermore, applicant has

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established with the data in the specification as originally filed that an anthraquinone like presently claimed when used at a purity of at least about 90 wt % can be processed at the relatively higher temperatures without degrading. Additionally, Hunter does not disclose other diaminoanthraquinones with the presently claimed functional R groups.

Smith et al discloses 1,8-bis(cyclohexylamino)anthraquinone as a tagging compound in transmission fluid. While it is known that anthraquinone materials can be used as colorants in polymeric resin compositions as taught by Genta, nothing in Smith et al suggests this and Genta does not disclose diaminoanthraquinones like presently claimed. Furthermore, applicant has established with the data in the specification as originally filed that an anthraquinone like presently claimed when used at a purity of at least about 90 wt % can be processed at the relatively higher temperatures without degrading. Additionally, Smith et al does not disclose other diaminoanthraquinones with the presently claimed functional R groups.

Thus, it is clear that these references do not disclose or suggest the claimed invention.

In light of the above and in view of the arguments set forth in the appeal brief filed 6/19/2006, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Ronesi whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/4/2006
Vickey Ronesi




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